



3763 / \$

<b>TRANSMITTAL FORM</b> <i>(To be used for all correspondence after initial filing)</i>	Application Number	10/039,240
	Filing Date	January 4, 2002
	First Named Inventor	Vincent E. Bryan
	Art Unit	3763
	Examiner Name	LoAn T. Thanh
	Attorney Docket No.	170134.401

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> CD(s), Number of CD(s) _____
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Request for Corrected Filing Receipt	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Amendment/Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Declaration	<input checked="" type="checkbox"/> Return Receipt Postcard
<input checked="" type="checkbox"/> Information Disclosure Statement; Form PTO-1449	<input type="checkbox"/> Statement under 37 CFR 3.73(b)	<input type="checkbox"/> Additional Enclosure(s) (please identify below): _____ _____ _____
<input checked="" type="checkbox"/> Cited References	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Individual Name	E. Russell Tarleton	Customer Number <b>00500</b>
Signature	<i>E. Russell Tarleton</i>	
Date	October 6, 2004	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Jason Añover	
Signature		Date: October 6, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 172 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 520417

# FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

**TOTAL AMOUNT OF PAYMENT (\$)** **180.00**

Complete if Known

Application Number	<b>10/039,240</b>
Filing Date	<b>January 4, 2002</b>
First Named Inventor	<b>Vincent E. Bryan</b>
Examiner Name	<b>LoAn T. Thanh</b>
Art Unit	<b>3763</b>
Attorney Docket No.	<b>170134.401</b>

## METHOD OF PAYMENT

☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

☐ Deposit Account:

Deposit Account Number: **19-1090**

Deposit Account Name: **Seed Intellectual Property Law Group PLLC**

The Director is authorized to (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any deficiencies

to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee(\$)	Fee Code	Fee(\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		** =		Extra Claims		Fee from below		Fee Paid	
Independent Claims		** =							
Multiple Dependent									

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee(\$)	Fee Code	Fee(\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

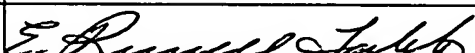
\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small		Fee Description	Fee Paid
Fee Code	Fee(\$)	Fee Code	Fee(\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2520	1812	2520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1530	2254	765	Extension for reply within fourth month	
1255	2080	2255	1040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1370	2453	685	Petition to revive - unintentional	
1501	1370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$) 180.00

## SUBMITTED BY

Name (Print/Type)	<b>E. Russell Tarleton</b>	Registration No. Attorney/Agent)	<b>31,800</b>
Signature		Date	<b>October 6, 2004</b>

Customer Number

**00500**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

October 6, 2004  
Date

Jason Añover

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Vincent E. Bryan et al.  
Application No. : 10/039,240  
Filed : January 4, 2002  
For : SPINAL NEEDLE SYSTEM

Examiner : LoAn T. Thanh  
Art Unit : 3763  
Docket No. : 170134.401  
Date : October 6, 2004

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents:


In accordance with 37 CFR 1.56 and 1.97 through 1.98, applicants wish to make known to the U.S. Patent and Trademark Office the references set forth on the attached Form PTO-1449 (copies of the cited references, as required under 37 CFR 1.98, are enclosed). As to any reference supplied, applicants do not admit that it is "prior art" under 35 U.S.C. §§ 102 or 103, and specifically reserve the right to traverse or antedate any such reference, as by a showing under 37 CFR 1.131 or other method. Although the aforesaid references are made known to the Patent and Trademark Office in compliance with applicants' duty to disclose all information they

are aware of which is believed relevant to the examination of the above-identified application, applicants believe that their invention is patentable.

Please acknowledge receipt of this Third Supplemental Information Disclosure Statement and kindly make the cited references of record in the above-identified application.

A fee of \$180 is submitted in accordance with 37 CFR 1.97(c). The Director is authorized to charge any other fees which may be required, or credit any overpayment to Deposit Account No. 19-1090.

Respectfully submitted,  
Seed Intellectual Property Law Group PLLC

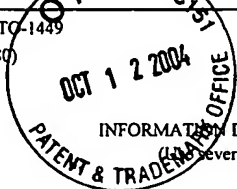
  
\_\_\_\_\_  
E. Russell Tarleton  
Registration No. 31,800

Enclosures:

Check  
Postcard  
Fee Transmittal Form (+ copy)  
Form PTO-1449  
Cited References (45)

701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031

520420

FORM PTO-1449 (REV. 7-87) 	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 170134.401	APPLICATION NO. 10/039,240
	INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)			
	APPLICANTS Vincent E. Bryan et al.		FILING DATE January 4, 2002	GROUP ART UNIT 3763

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,865,026	09/12/89	Barrett	128	155	
	AB	5,407,427	04/18/95	Zhu et al.	604	26	
	AC	5,443,484	08/22/95	Kirsch et al.	604	164	
	AD	5,488,958	02/06/96	Topel et al.	128	754	
	AE	5,573,496	11/12/96	McPherson et al.	600	217	
	AF	5,577,993	11/26/96	Zhu et al.	600	204	
	AG	5,582,577	12/10/96	Lund et al.	600	204	
	AH	5,613,937	03/25/97	Garrison et al.	600	201	
	AI	5,681,341	10/28/97	Lunsford et al.	606	192	
	AJ	5,702,412	12/30/97	Popov et al.	606	159	
	AK	5,865,791	02/02/99	Wayne et al.	604	49	
	AL	5,873,876	02/23/99	Christy	606	148	
	AM	5,925,064	07/20/99	Meyers et al.	606	205	
	AN	5,928,264	07/27/99	Sugarbaker et al.	606	207	
	AO	5,964,782	10/12/99	Lafontaine et al.	606	213	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AP					
	AQ					

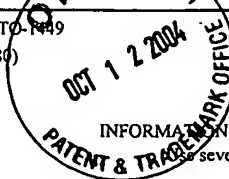
## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	
	AS	

EXAMINER

DATE CONSIDERED

\* EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).

 FORM PTO-1449 (REV. 7-86)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 170134.401	APPLICATION NO. 10/039,240
	INFORMATION DISCLOSURE STATEMENT (See several sheets if necessary)			
	APPLICANTS Vincent E. Bryan et al.		FILING DATE January 4, 2002	GROUP ART UNIT 3763

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	BA	5,984,896	11/16/99	Boyd	604	175	
	BB	6,068,637	05/30/00	Popov et al.	606	159	
	BC	6,110,187	08/29/00	Donlon	606	151	
	BD	6,123,667	09/26/00	Poff et al.	600	201	
	BE	6,139,522	10/31/00	Weldon et al.	604	93	
	BF	6,183,486	02/06/01	Snow et al.	606	151	
	BG	6,206,696	03/27/01	Day	433	141	
	BH	6,506,190	01/14/03	Walshe	606	72	
	BI	6,620,098	09/16/03	Milverton	600	236	
	BJ	6,626,930	09/30/03	Allen et al.	606	213	
	BK	6,663,639	12/16/03	Laufer et al.	606	139	
	BL	6,663,640	12/16/03	Kortenbach	606	142	
	BM	6,698,433	03/02/04	Krag	128	899	
	BN	6,716,196	04/06/04	Lesh et al.	604	164.01	
	BO	6,743,220	06/01/04	Sheffer et al.	606	1	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	BP					
	BQ					

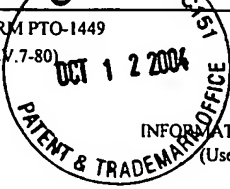
## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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	BS	

EXAMINER

DATE CONSIDERED

\* EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).

 FORM PTO-1449 (REV. 7-80) INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 170134.401	APPLICATION NO. 10/039,240
	APPLICANTS Vincent E. Bryan et al.			
	FILING DATE January 4, 2002		GROUP ART UNIT 3763	

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	CA	2001/0001825	05/24/01	Snow et al.	606	151	
	CB	2002/0032415	03/14/02	Trautman et al.	604	272	
	CC	2002/0099410	07/25/02	Ben David	606	213	
	CD	2002/0107531	08/08/02	Schreck et al.	606	142	
	CE	2002/0120254	08/29/02	Julian et al.	606	1	
	CF	2003/0078604	04/24/03	Walshe	606	151	
	CG	2003/0144694	07/31/03	Chanduszko et al.	606	213	
	CH	2003/0176883	09/18/03	Sauer et al.	606	198	
	CI	2004/0054335	03/18/04	Lesh et al.	604	264	
	CJ	2004/0087831	05/06/04	Michels et al.	600	114	
	CK	2004/0087967	05/06/04	Schur et al.	606	108	
	CL	2004/0093023	05/13/04	Allen et al.	606	213	
	CM	2004/0116949	06/17/04	Ewers et al.	606	167	
	CN	2004/0133220	07/08/04	Lashinski et al.	606	151	
	CO	2004/0133229	07/08/04	Lambrech et al.	606	190	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	CP					
	CQ					

## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	CR	
	CS	

EXAMINER	DATE CONSIDERED
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\* EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).